UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,566	06/24/2003	Marc T. Burton Sewell		8024

			EXAMINER
7590	05/31/2005		BETZ, BLAKE E

Marc T. Sewell
4050 Palisades Main
Kennesaw, GA 30144

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/602,566	SEWELL, MARC T. BURTON
	Examiner	Art Unit	
	Blake E. Betz	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant should submit an argument under the heading "Remarks" pointing out

disagreements with the examiner's contentions. Applicant must also discuss the

references applied against the claims, explaining how the claims avoid the references or

distinguish from them. Due to the lack of submitted arguments, there is no examiner's

response to arguments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 14 – 17, and 20 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No. 5,835,758 to Nochur et al.

The invention of Nochur et al. discloses a computer-based method and system

for representing and communicating various conceptual and physical entities. Column

5, lines 3 – 15, describes the use of the invention to create applications that are specific

to the domain of interest of the user. "As an example, if users are interested in hospital

management, the domain of interest might include elements such as patients, doctors,

and hospitals. As another example, if the domain of interest is education in a university

setting, elements of interest to users in that domain would include students, courses,

faculty, and classrooms. An application created by a general-purpose embodiment of

the present invention will have one or more palettes, each palette having a set of one or

more elements of relevance to the user's domain of interest. Each element is

represented by its symbol and indicia and has associated with it various data and other

attributes to be represented, stored, processed, and communicated over a computer-

based system." Lines 17 – 27 further state, "A palette generation module 10 presents

the user with a library of pre-built symbols 101. The user can select from this library of

symbols 101, and also create new symbols by invoking a symbol generator sub-module

103. Indicia to label each selected or created symbol are specified in symbol indicia

definition sub-module 105 to create a customized palette of elements 107 relating to the

domain of interest. Once a palette 107 has been generated, data and other attributes

for the elements in it are defined in attribute definition module 11." Figure 6, elements

61a – 61k, show elements with symbols and main labels for representing entities of

interest wherein the elements represent the noun or verbs associated with their main

labels. As can be seen, the graphical elements are comprised of a plurality of

predefined simple and complex shapes corresponding to their predefined meaning.

Element 72 of Figure 7 shows an attribute dialog box in which a user may manipulate

the definition fields of an element to automatically adjust the element's properties.

Column 11, lines 54 – 59, states, "An item such as Plan 71 in FIG. 7 can have data

attributes such as Class 71a, Type 71b, Priority 71c, and Status 71d. Values for these

attributes, such as 1 for Priority 71c, Ongoing for Status 71d can be entered in fields

adjoining the attribute label in Item Attributes dialog box 72. Double clicking on an item

on a map opens its attribute dialog box." Lines 64 – 65 further state, "Users can change

attribute definition fields and screens to suit their needs." Thus, the automated

graphical elements are manipulated and altered through the user interface of the

attribute dialog box. As can be seen in Figure 7, the item attributes dialog box also

contains a section for a user to enter text to be displayed within the graphical element,

corresponding to the variable text as stated in claim 1. Column 11, lines 65 – 67, and

Column 12, lines 1 – 5, discuss the use of a plurality of icons or letter adornments to

indicate certain features attached to the element objects. "Notes and annotations can

be added in a separate box belonging to each object. A visual cue, such as the letter N

or a notepad icon will show up in the area around and close to an item to indicate that it

has a non-blank Note attached to it. Double clicking on the cue will lead to the Note

screen. Similarly, annotations are tagged and accessed through a visual cue or the

letter A appearing in the region near the object." Column 12, lines 27 – 49, further

describes placing a map icon in the area around an item to alert a user that one or more

maps are attached to the item. Therefore, the elements include a plurality of predefined

icons. Additionally, the icons are attached to the elements by placing them in the area

around and close to their associated item. Column 8, lines 17 – 24, teaches that when

the icons are double clicked by a user, a list of attached documents is displayed

wherein the user may select and load any document from the list. Thus, the attached

documents are considered subordinate to the graphical elements and attached through

the use of the icons as described above. Figure 6 depicts a plurality of predefined

adornments connecting graphical elements to one another. Column 11, lines 49 – 53,

states, "Items can be connected with lines or arrows of various kinds, such as 67b and

67c to show how they are related in terms of sequence, cause-effect relationship, the flow of issues and ideas, hierarchy, etc." Column 5, lines 66 and 67, and Column 6, lines 1 - 9, state, "Link generator module 14 is for defining the kinds of line and arrow segments that will be used to show relationships and hierarchies between various items on maps. Users are presented with a library of pre-built link types 142. The user can select from this library 142, and also create new link types by invoking a link generator sub-module 144. Indicia to label each selected or created link type are specified in link indicia definition sub-module 146 to create a customized set of link types 148 relevant to the domain of interest. Once a set of link types 148 has been generated, data and other attributes for each of the link types are defined in link attributes sub-module 115." Therefore, predefined adornments are provided with which to show hierarchies and relationships between elements.

In regard to claim 14, Nochur states in Column 12, lines 16 – 23, that a plurality of line adornments may be used to show connections and relationships between elements. Lines 20 – 23 state, "They can also be labeled to show additional detail, or to describe various kinds of connections and the relations between the linked objects." Thus, the adornments for the elements of Nochur may contain their own text.

In regard to claim 15, Column 12, lines 24 – 39, states, "The basic document in the present invention is a map, comprised of one or more items and the links between them. A connection can be established between any item and another map or other kind of document. Once a connection is defined, for example between an item and a map, a visual cue, such as the letter M or a map icon, will appear in the area around

and close to that item. The connected map can be invoked via the visual cue. Maps

can be organized in a nested hierarchy to show or hide levels of detail. FIG. 8 shows a

Plan item 81 next to which the letter M appears to indicate that one or more maps are

attached to it. Double clicking on the M would lead to Map Connection dialog box 82

which shows the name of a connected map 83. Selecting the connected map's name

and selecting Go To button 84 would lead the user to the connected map on the display

screen." Thus, Nochur teaches of placing the letter M or a map icon adornment on a

graphical element to indicate that one or more maps are attached to that element,

corresponding to an indicator of plural or collections.

In regard to claim 16, Column 14, lines 25 – 30 of Nochur, states, "Reports can

be generated by the present invention based on the attributes of items in maps and the

attributes of links, maps, cases, and other documents as well. Reporting is

accomplished by report module 202 (FIG. 5) which interfaces with database manager

25 to access data from database 28 to generate various reports 51." Thus, specification

documents can be automatically generated from the object information in Nochur.

In regard to claim 17, Column 11, lines 54 – 65, states, "An item such as Plan 71

in FIG. 7 can have data attributes such as Class 71a, Type 71b, Priority 71c, and Status

71d. Values for these attributes, such as 1 for Priority 71c, Ongoing for Status 71d can

be entered in fields adjoining the attribute label in Item Attributes dialog box 72. Double

clicking on an item on a map opens its attribute dialog box. The attributes of an item

depend on the basic element category it belongs to. For example, a Goal item has

attributes such as priority, dates related to its accomplishment, people responsible for it,

key words, etc. Users can change attribute definition fields and screens to suit their

needs." Thus, the identity of notation objects and relationships can be accessed and

managed by a user through the use of the attribute dialog box of Nochur.

In regard to claim 20, Column 11, lines 65 – 67, and Column 12, lines 1 – 5,

discuss the use of a plurality of icons or letter adornments to indicate certain features

attached to the element objects of Nochur. "Notes and annotations can be added in a

separate box belonging to each object. A visual cue, such as the letter N or a notepad

icon will show up in the area around and close to an item to indicate that it has a non-

blank Note attached to it. Double clicking on the cue will lead to the Note screen.

Similarly, annotations are tagged and accessed through a visual cue or the letter A

appearing in the region near the object." Column 12, lines 27 – 49, further describes

placing a map icon in the area around an item to alert a user that one or more maps are

attached to the item. Column 8, lines 17 – 24, teaches that when the icons are double

clicked by a user, a list of attached documents is displayed wherein the user may select

and load any document from the list. Element 82 of Figure 8 shows a map connection

list that is displayed as a result of double-clicking the M attachment of the PLAN

element, element 81. Thus, the attached containers are considered subordinate to the

graphical elements and attached through the use of the icons as described above.

Additionally, the icons are controlled by the parent elements in that they are attached in

area around and close to their associated parent element. The claim language of claim

20 states that the attachment points can be positioned anywhere around the parent

shape only at predetermined, appropriate points in the vicinity closest to where the user

indicates; however, the claim does not state that this procedure must be carried out for the placement of the attachment points. Therefore, Nochur includes the attachment icon points with which a user may open a subordinate container shape containing a variable amount of text and/or graphics resulting from the selecting of a note, case, annotation, or map icon.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Visio 2000 Standard Edition.

Page 23 of the Microsoft Visio 2000 Standard Edition User Guide describes grouping a number of shapes in a flow chart so that the group of shapes may be modified as a single unit. When selecting the group, a dashed line appears around the grouped shapes. Thus, the dashed line corresponds to a grouping graphical element used to enclose selected shapes. Additionally, page 23 states that the group may be modified the same, just like any single object including moving, resizing, or rotating the group. Therefore, by resizing the group the dashed line appearing around the grouped shape is resizable as well. Thus, the border of the grouping element can be modified to take on any shape to correspond to the resizing of the group. Furthermore, the claim language of claim 19 states that the grouping element can be infinitely, variably-shaped at all points and that it may have an attached, subordinate graphical container for additional elements. However, the claim does not state that these limitations must be included, only that they can and may be included. Therefore, the grouping element of the claimed invention does not distinguish itself over the grouping element of Microsoft Visio 2000 Standard Edition.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,835,758 to Nochur et al.

Nochur states in Column 5, lines 59 – 65, "In report definition module 13, users

specify the formats 131 for various reports that they want to create, based on the

attributes defined earlier for items, maps, links, cases, and text documents. This

module also creates the query dialog boxes 133 users will need to define queries, and

dialog boxes for selection and sorting 135 data for generating various standard and

customizable reports." Column 14, lines 25 – 30, further states, "Reports can be

generated by the present invention based on the attributes of items in maps and the

attributes of links, maps, cases, and other documents as well. Reporting is

accomplished by report module 202 (FIG. 5) which interfaces with database manager

25 to access data from database 28 to generate various reports 51." Thus, the reports

created by the invention of Nochur allows for the user to specify the format of the report.

Additionally, the reports may be based on a variety of attributes including text data as

described above. It is very well known in the art to use business tools such as a word

processing program to create a report based on text documents to allow for the reading,

storing, and sharing of text documents. It would have been obvious at the time the

invention was made to modify the invention of Nochur to include outputting the reports

in a word processing program so that a user may be better able to read, store, share,

and edit the resulting report.

Claims 2 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 5,835,758 to Nochur et al. in view of WinFlow for Windows.

Nochur et al. teaches of placing text within the graphical elements through the

use of the attribute dialog box and labeling the elements according to their type and

class. Since the claim language of claim 2 states that icons and/or text can be placed

within the element shapes, an instance in which one or the other, or both being placed

in the elements will suffice as prior art. Therefore, Nochur teaches of placing icons

and/or text within the element shapes by placing the text from the attribute dialog box

within the corresponding element. As can be seen from Figure 7, the two illustrated

elements are also both named according to their class and type. Thus, the objects are

given noun equivalent names. However, Nochur does not teach of orienting the size

and shape of the element to the included text. The program of WinFlow is a flowchart-

authoring tool. Page 94 of the WinFlow User Guide describes the use of the "Fit Text to

Symbol" command to fit the enclosed text to a symbol's size. Thus, the size of a symbol

in the WinFlow program may be enlarged so that the entire portion of included text may

be displayed to a user. It is well known in the art of flowchart design that portions of

included text within graphical elements that are too large to fit with the element are

either cut from view or spill outside of the element's shape boundary, resulting in an

unpleasing visual result. Thus, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to modify the invention of Nochur to include orienting the size of the graphical elements according to the included text inside them as in WinFlow. One would have been motivated to make such a modification to Nochur so that the entire portion of included text inside an element may be displayed to a user without any of the text being either cut from the user's view or spilling outside of the element's shape boundary, resulting in unpleasing visual results.

In regard to claim 3, the adornments of Nochur as described above can be used to indicate the hierarchy between graphical elements.

In regard to claim 4, the graphical elements of Nochur and their included text are presented in graphical format in figures 6, 7, and 8.

In regard to claim 5, the graphical elements of Nochur are described in Column 11, lines 49 – 53, and Column 12, lines 16 – 23, are linked by line and arrow adornments that are representative of sequence, hierarchy, flow, and cause-effect relationships, thus corresponding to a plurality of verbs.

In regard to claims 6 and 7, the attribute dialog box of Nochur in Figure 7 shows a structured input area for a user to provide detailed specifications of a graphical element. Additionally, notes and connection properties may be specified for a graphical element using the attribute dialog box. Column 11, lines 65 – 67, and Column 12, lines 1 – 2, state, "Notes and annotations can be added in a separate box belonging to each object. A visual cue, such as the letter N or a notepad icon will show up in the area around and close to an item to indicate that is has a non-blank Note attached to it."

Thus, selected portions of the specification as described in the attribute dialog box are displayed as adornments to the element shape.

In regard to claims 8, 9, and 11 – 13, Nochur states in Column 4, lines 66 and 67, and Column 5, lines 1 – 15, "A general domain-independent embodiment of the present invention is a system for generating applications that are customized to meet the needs of users. This embodiment enables users to create applications that are specific to the domain of interest to them. As an example, if users are interested in hospital management, the domain of interest might include elements such as patients, doctors, and hospitals. As another example, if the domain of interest is education in a university setting, elements of interest to users in that domain would include students, courses, faculty, and classrooms. An application created by a general-purpose embodiment of the present invention will have one or more palettes, each palette having a set of one or more elements of relevance to the user's domain of interest. Each element is represented by its symbol and indicia and has associated with it various data and other attributes to be represented, stored, processed, and communicated over a computer-based system." Thus, Nochur teaches that there may be a plurality of different elements corresponding to the domain of interest of a user. Additionally, Column 5, lines 17 – 24, teaches that a user may create new symbols relating to their domain of interest. "A palette generation module 10 presents the user with a library of pre-built symbols 101. The user can select from this library of symbols 101, and also create new symbols by invoking a symbol generator sub-module 103. Indicia to label each selected or created symbol are specified in symbol indicia definition sub-module 105 to create a

customized palette of elements 107 relating to the domain of interest." Therefore, any

number of various shapes may be created to signify object types.

In regard to claim 10, Nochur states in Column 5, lines 66 and 67, and Column 6,

lines 1 - 9, "Link generator module 14 is for defining the kinds of line and arrow

segments that will be used to show relationships and hierarchies between various items

on maps. Users are presented with a library of pre-built link types 142. The user can

select from this library 142, and also create new link types by invoking a link generator

sub-module 144. Indicia to label each selected or created link type are specified in link

indicia definition sub-module 146 to create a customized set of link types 148 relevant to

the domain of interest. Once a set of link types 148 has been generated, data and other

attributes for each of the link types are defined in link attributes sub-module 115."

Therefore, Nochur teaches of including a plurality of link adornments in which to identify

the hierarchy and processes of the flowchart object shapes. Additionally, by adorning

the objects of Nochur with the various links, the graphical elements may be identified as

procedural and hierarchical shapes.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. Patent No. 5,406,477 to Harhen

U.S. Patent No. 6,233,537 to Gryphon et al.

U.S. PGPUB No. 2003/0233631 to Curry et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blake E. Betz whose telephone number is (571) 272-7655. The examiner can normally be reached on 7:30 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BB

BB   5/16/05

RICHARD HJERPE   5/26/05
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600